

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

LISA JOHNSON,)	No. ED104593
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Hon. Tommy W. DePriest, Jr.
LOU FUSZ AUTOMOTIVE)	
NETWORK, INC.,)	
)	Filed:
Respondent.)	February 28, 2017

Lisa Johnson appeals from the judgment dismissing her claim against her employer, Lou Fusz Automotive, Inc., for associational disability discrimination under the Missouri Human Rights Act and from the summary judgment denying her claim for unpaid overtime under the Missouri Minimum Wage Law.

AFFIRMED, AS MODIFIED.

Division Three holds:

The discrimination claim, though framed as an MHRA claim, in reality only alleged interference with attainment of Johnson's insurance benefits. Therefore, the claim was completely preempted by the Employee Retirement Income Security Act, which prohibits such interference in Section 510 and provides a mechanism to enforce violations thereof in Section 502. This type of ERISA claim is within the exclusive jurisdiction of the federal courts, and the state court, therefore, lacked subject matter jurisdiction and properly dismissed the claim. The judgment is modified, however, to be a dismissal without prejudice instead of with prejudice.

There was no genuine dispute that Lou Fusz had no knowledge Johnson had been working overtime, defeating an element of her claim under the MMWL and entitling the defendant to summary judgment.

Opinion by: Robert G. Dowd, Jr., J.

Angela T. Quigless, P.J. and Lisa S. Van Amburg, J., concur.

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